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4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 DANIEL K. LARSON,

8 Petitioner,

9 v.

10 STATE OF WASHINGTON,

11 Respondent.

No. 2:20-CV-1778-MJP-DWC

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

12 The Court, having reviewed the Report and Recommendation of Magistrate Judge David  
13 W. Christel and the remaining record, and noting the absence of objections to the Report and  
14 Recommendation, does hereby find and ORDER:

- 15 (1) The Court adopts the Report and Recommendation.
- 16 (2) Petitioner's federal habeas Petition is dismissed without prejudice as second or  
17 successive. Petitioner's pending Motion to Compel for Information and Motion  
18 for Vicarious Exhaustion of State Remedies (Dkt. 8, 9) are denied as moot.
- 19 (3) A certificate of appealability is denied in this case.
- 20 (4) The Clerk is directed to send copies of this Order to Petitioner, counsel for  
21 Respondent, and to the Hon. David W. Christel.

22 **DATED** this 5th day of May, 2021.

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25 Marsha J. Pechman  
26 United States Senior District Judge